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C O N F I D E N T I A L SECTION 01 OF 02 YEREVAN 001479

SIPDIS

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TAGS: [PREL](#) [PHUM](#) [PGOV](#) [AM](#) [TU](#)

SUBJECT: TURKISH SCHOLAR: GUILTY BUT FREE TO GO

Classified By: DCM A.F. GODFREY for 1.4 (b, d).

SUMMARY

11. (C) On August 16, a local-level Yerevan court convicted Yektan Turkeyilmaz, a Turkish citizen and Duke University doctoral candidate arrested June 17 at Yerevan's Zvartnots Airport, for attempting to smuggle eighty-eight "historically and culturally important" books and manuscripts out of Armenia. Judge Karen Farkhoyan found Turkeyilmaz guilty but suspended a two-year prison sentence and released Turkeyilmaz. Turkeyilmaz must remain in Armenia for 15 days while the court processes the judge's orders, about the same time his advisors hope it will take to renew his expired Turkish passport at the Turkish Consulate in Tblisi. This is a good outcome. However outdated and incongruous the Soviet-era law prohibiting the export of cultural patrimony may be, Turkeyilmaz was clearly in violation. End Summary.

THE CASE AGAINST THE TURKISH SCHOLAR

12. (U) On June 17, authorities from the National Security Services (NSS) arrested Turkish citizen and Duke University doctoral candidate Yektan Turkeyilmaz as he boarded a flight from Yerevan's Zvartnots Airport to Istanbul. On July 21, the Malatya-Sebastia Court of First Instance in Yerevan officially charged Turkeyilmaz under Article 34, paragraph 215.2 of the Armenian criminal code, the law that bars transportation of cultural artifacts and other controlled items without GOAM permission. Under Armenian law, books and manuscripts more than 50 years old -- which Turkeyilmaz attempted to smuggle -- qualify as cultural artifacts. The charges carried a maximum penalty of eight years imprisonment.

GUILTY SENTENCE CLEARS TURKYILMAZ TO LEAVE ARMENIA

13. (U) Judge Karen Farkhoyan found Turkeyilmaz guilty of "intent to smuggle" the controlled books and manuscripts. The NSS confiscated 110 books from Turkeyilmaz's checked baggage. The Court determined eighty-eight of the books qualified as "controlled historical items." The oldest book, an Armenian bible, was published in Venice in 1675. Judge Farkhoyan also found Turkeyilmaz guilty of successfully smuggling books including an 1885 version of Levon Alishan's "Sisavan ad Kilikia," which Prosecutor Korun Piloyan maintained Turkeyilmaz stashed in his sister's baggage. Turkeyilmaz's sister Zeynep Turkeyilmaz, a student at UCLA, departed Yerevan prior to Yektan's arrest. Judge Farkhoyan imposed a two-year suspended sentence.

WHAT WAS HE DOING?

14. (SBU) Turkeyilmaz gained access to Armenia's National Archives to research Ottoman and Armenian history for his Duke University dissertation. In an August 1 letter to Armenian President Robert Kocharian, Duke University President Richard Broadhead characterized Turkeyilmaz as "one of a handful of Turkish scholars who have critically addressed the events of 1915." Turkeyilmaz maintained his innocence throughout the trial but noted in his closing statement that he "never meant any harm to the Armenian people or the Armenian state," he "just didn't know what the regulations were." In meetings with us, Turkeyilmaz's academic colleagues admitted that he was an avid bibliophile and that his passion for old books could almost appear as an obsession. Judge Farkoyan ordered the court to confiscate the historical books, but return Turkeyilmaz's digital video and camera equipment, cell phone and CDs containing his research.

U.S. ENGAGEMENT: QUIET BUT INSISTENT SUPPORT

15. (C) We pressed the Government to recognize that a stiff sentence would not be in Armenia's interest. The Ambassador

raised the issue directly with Prosecutor General Aghvan Hovsepian. Hovsepian was slow to agree, but finally committed to a swift and "politically acceptable" resolution to the Turkeyilmaz case. The Armenian judicial system delivered exactly what the Prosecutor General promised. Turkeyilmaz's suspended sentence frees him to depart Armenia following a standard 15-day, court-imposed administrative processing period, about the same time Turkeyilmaz's legal counsel estimates it will take to courier his expired passport to and from the Turkish Consulate in Tblisi. According to defense attorneys Varduhie Elbakyan and Hrair Ghukasyan, Turkeyilmaz's sister is in contact with the Turkish MFA, reportedly attempting to speed up the passport renewal process. Turkeyilmaz, a Kurd who speaks Armenian and has acknowledged the events of 1915 as "genocide," predicted during his trial that he will have legal difficulties with authorities when he returns to Turkey.

EVANS